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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
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Date	02/15/2021
Attachments	Petitioner_Certificate of Service.2021.02.15.pdf(366233 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

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EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
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CERTIFICATE OF SERVICE

1. The undersigned certifies that a true and complete copy of the documents identified below in this paragraph (1) were served on Respondent by transmitting copies via ShareFile (with notice to Respondent by email) on February 12, 2021 (items (a) to (d) identified below) and on February 13, 2021 (items (e) to (h)) below). The Parties agreed to service of these documents by this method.

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- a. Petitioner's Rebuttal Notice of Reliance (public and confidential versions)
- b. Second Declaration of Susan Bailey
- c. Declaration of Dean J. Gluth
- d. Declaration of Charles Linehan
- e. Cubatabaco's Trial Exhibits from the Federal Action listed below
- f. General Cigar's Trial Exhibits from the Federal Action listed below
- g. Cubatabaco's Discovery Deposition Exhibits from the Federal Action listed below (public and confidential versions)
- h. Filings from the Federal Action listed below (public and confidential versions)

Cubatabaco's Trial Exhibits from the Federal Action

PX0098	PX0216	PX0899
PX0141	PX0259	PX1510
PX0152	PX0317	
PX0187	PX0462	

General Cigar's Trial Exhibits from the Federal Action

DX 0022	DX 0210	DX 0297
DX 0063	DX 0296	

Cubatabaco's Discovery Deposition Exhibits from the Federal Action

P. Dep. X 69	P. Dep. X 195
P. Dep. X 88	

Filings from the Federal Action

Dkt 111-115 SJ P. Exs. 7, 8, 10, 16-18, 22, 24, 26-31, 34-37, 39-41, 56, 59-60, 63, 65-69, 71-75, 77-80, 82, 85, 88-93, 102-104, 152-154, Dkt 122 SJ P. Ex. 157, Dkt 124-26 SJ P. Exs. 163, 165, 169-172, 175, 182, 185, 193, 196, Dkt 135 SJ P. Ex. 205-208, Dkt 138 DR 56.1 (A & B), Dkt.108-109 (Def Rule 56.1 excerpts), Stipulation Between the Parties

2. The undersigned certifies that a true and complete copy of the documents identified below in this paragraph (2) were served on Respondent by transmitting copies of same via ShareFile (with notice to Respondent by email) on February 13, 2021. The Parties agreed to service of these documents by this method.

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a. Pursuant to the marking and filing procedure the Board has previously approved, TTABVUE Nos. 165, 157, 138, 137, 135 and 132, Petitioner served on Respondent the discovery depositions transcripts from this proceeding of the following witnesses, as well as the discovery deposition exhibits from same, with those portions and exhibits that it offers as rebuttal trial testimony highlighted in blue:

1. Andres Maturen Maal
2. Augustin Martinez, III
3. Blair Smith
4. Edward Lahmann
5. Eugene Paul Richter, III
6. Michael Cullen
7. Michael Harris
8. Rene Labor
9. Steven Abbot
10. Victoria McKee Jaworski
11. Richard Carleton Hacker, June 15, 2017
12. Eugene Paul Richter, III, designated by Respondent pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure

b. Pursuant to the marking and filing procedure the Board has previously approved, TTABVUE Nos. 138, 136, 135, 132, 91 and 89, Petitioner served upon Respondent the following documents from the prior federal action between the Parties (*Empresa Cubana del Tabaco vs. Culbro Corp.*, Case No. 97-cv-8399, S.D.N.Y.) (the “Federal Action”) with those portions of these documents that Petitioner offers as rebuttal trial testimony highlighted in blue:

- i. Trial Transcript
- ii. Defendants’ Written Direct Testimony
 1. Edgar M. Cullman, Jr.
- iii. Federal Action Deposition Transcripts

1. Howard N. Aronson, October 24, 2000
2. Clifford Bachner, June 30, 2000
3. Bernardo Benes [30(b)(6) and 45], May 3, 2001
4. Oscar L. Boruchin, July 25, 2000
5. David Burgh, January 8, 2002
6. David W. Burgh, November 1, 2000
7. Humberto Cabezas Suarez, July 20, 2000
8. Michael J. Clements, December 4, 2001
9. Lois Coleman [30(b)(6)], July 19, 2001
10. William M. Conder [30(b)(6)], November 7, 2000 a.m.
11. William M. Conder, November 7, 2000
12. Edgar M. Cullman, Jr., August 1, 2001
13. Edgar M. Cullman, Jr., December 19, 2001
14. Edgar M. Cullman Jr., March 5, 2001
15. Edgar M. Cullman Jr. [30(b)(6)], March 6, 2001
16. Edgar M. Cullman Sr., April 3, 2001
17. Dickson Farrington, November 16, 2000
18. Joshua Fay, November 20, 2000
19. Frank Fina, March 13, 2001
20. Thomas Freeman, October 26, 2000
21. James C. Fuller, December 11, 2001
22. Daniel Garcia, May 17, 2001
23. Adargelio Garrido de la Grana [30(b)(6)], June 6, 2000
24. Adargelio Garrido de la Grana [30(b)(6)], June 7, 2000
25. John R. Geoghegan, May 17, 2000
26. Mercedes Gonzalez Vasquez, January 9, 2001
27. Scott Greenberg, July 23, 2001
28. Steven F. Johnson, June 6, 2000
29. Michael J. Kowalsky, December 14, 2001
30. Saul Landau, May 21, 2001
31. Barbara Leyva, November 9, 2000
32. Lopez Garcia, May 23, 2000
33. Harry C. Marcus, July 3, 2001
34. Jaime Mas Manzanares, July 18, 2000
35. Alfons Mayer [30(b)(6) and 45], June 27, 2001
36. Alfons Mayer, July 7, 2000
37. William McCaffery, November 9, 2000
38. Austin T. McNamara, June 21, 2001
39. Austin T. McNamara, June 28, 2001
40. Ramon Arturo Mendoza Gil, May 24, 2000
41. Ronald S. Milstein, June 8, 2000
42. Ronald S. Milstein, July 10, 2001
43. Gordon Mott, April 24, 2001
44. Angel Nunez, October 30, 2001
45. Marc Perez, July 2, 2001
46. Fernando M. Perez Valdes, December 5, 2001

47. Warren Pfaff, April 27, 2000
48. Warren Pfaff [30(b)(6)], June 29, 2000
49. Allan S. Pilson, July 23, 2001
50. Rosalie Plasencia, September 21, 2001
51. John Rano, May 23, 2000
52. John M. Rano, July 19, 2000
53. John Rano, December 21, 2001
54. Peter Rosenthal, May 25, 2000
55. Lewis Rothman, February 14, 2001
56. Lewis Rothman, October 31, 2000
57. Norman Sharp, April 26, 2001
58. Norman Sherman, November 14, 2001
59. Charles H. Sparkes, July 14, 2000
60. Charles Sparkes [30(b)(6) and 45], August 7, 2001
61. Charles Sparkes, December 7, 2001
62. Jose Manuel Valdes Martinez, January 9, 2001
63. Michael E. Withey, May 22, 2001
64. A. Ross Wollen [30(b)(6) and 45], June 26, 2001
65. A. Ross Wollen [30(b)(6)], November 29, 2000
66. A. Ross Wollen [30(b)(6)], November 30, 2000

3. The undersigned certifies that a true and complete copy of the documents identified above in paragraphs (1) and (2) above were additionally served on Respondent by transmitting copies of same by federal express on February 14, 2021 at the following address provided by Respondent's counsel:

Attn: Valerie Fadis
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Date: February 15, 2021

By: Lindsey Frank/
Lindsey Frank
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